

proposed that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

A record has been established for this rulemaking under docket number [PP 4E4311 and 4E4358/P625] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines "significant" as those actions likely to lead to a rule (1) having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or

safety, or State, local or tribal governments or communities (also known as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

#### List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 11, 1995.

**Stephen L. Johnson,**

*Director, Registration Division, Office of Pesticide Programs.*

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

#### PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 346a and 371.

2. In § 180.425, by adding and alphabetically inserting the entries for cabbage, cucumber, and squash, summer, to read as follows:

#### § 180.425 2-(2-Chlorophenyl)methyl-4,4-dimethyl-3-isoxazolidinone; tolerances for residues.

	Commodity	Parts per million
Cabbage .....		0.1
* * * *		*
Cucumber .....		0.1
* * * *		*
Squash, summer .....		0.1

Commodity	Parts per million
* * * *	*

[FR Doc. 95-21515 Filed 8-29-95; 8:45 am]

BILLING CODE 6560-50-F

#### 40 CFR Part 300

[FRL-5286-1]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Intent to Delete the Anderson Development Company Site from the National Priorities List; request for comments.

**SUMMARY:** The United States Environmental Protection Agency (U.S. EPA), Region V, announces its intent to delete Anderson Development Company Superfund Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which U.S. EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. U.S. EPA and the State of Michigan have determined that all appropriate CERCLA requirements have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, U.S. EPA and the State have determined that remedial activities conducted at the site to date have been protective of public health, welfare, and the environment.

**DATES:** Comments on the Notice of Intent to Delete should be submitted on or before September 29, 1995.

**ADDRESSES:** Comments may be mailed to James J. Hahnenberg (HSR-6J) Remedial Project Manager, Office of Superfund, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604.

The EPA Region 5 Administrative Record repository provides comprehensive information on this site. The information is available for viewing by appointment only from 7:30 a.m. to 5:00 p.m., Monday through Friday, excluding Federal holidays. Requests for appointments or copies of the background information from the

Regional public docket should be directed to the EPA Region 5 docket office: Mark Bedford, U. S. EPA, Waste Management Division Records Center, 7th Floor, 77 West Jackson Boulevard, Chicago, Illinois 60604, Phone No. (312) 886-0900.

The local information repositories provide background information from the Regional Administrative Record, and are available for viewing. The two repositories and their addresses are: Adrian Public Library, 143 East Maumee, Adrian, Michigan 49221, Contact: Jule Foebender, Phone No. (517) 263-2265; and Adrian City Hall, 100 East Church Street, Adrian, Michigan 49221.

**FOR FURTHER INFORMATION CONTACT:** James J. Hahnenberg (HSR-6J), Remedial Project Manager, Office of Superfund, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-4213; or Derrick Kimbrough (P-19J), Office of Public Affairs, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886-9749.

#### **SUPPLEMENTARY INFORMATION:**

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- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Site Deletion

#### **I. Introduction**

The U.S. EPA Region V announces its intent to delete the Anderson Development Company Site from the National Priorities List (NPL), Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, and requests comments on the proposed deletion. The U.S. EPA identifies sites which appear to present a significant risk to public health, welfare or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be subject to remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to section 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for additional Fund-financed remedial actions if conditions at the site warrant such action.

The U.S. EPA will accept comments on this proposal for thirty (30) days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that U.S. EPA is using for this action. Section IV discusses the history of this site and explains how the site meets the deletion criteria.

#### **II. NPL Deletion Criteria**

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e) sites may be deleted from the NPL where no further response is appropriate. However, U.S. EPA retains the ability to use Superfund authority at a deleted site if future conditions warrant such actions. See 40 CFR 300.425(e)(3). In making the determination to delete a site, U.S. EPA, in consultation with the State, considers whether any of the following criteria have been met:

- (i) Responsible parties or other persons have implemented all appropriate response actions required;
- (ii) All appropriate Fund-financed response under CERCLA has been implemented and no further response action by responsible parties is appropriate; or
- (iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

#### **III. Deletion Procedures**

Deletion of sites from the NPL does not itself create, alter or revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter U.S. EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist Agency management.

U.S. EPA Region 5 will accept and evaluate public comments before making a final decision to delete. The Agency believes that deletion procedures should focus on notice and comment at the local level. Comments from the local community may be the most pertinent to deletion decisions. The following procedures were used to determine the deletion of this site:

- U.S. EPA Region 5 has recommended deletion and has prepared the relevant documents.
- The State of Michigan has concurred with the proposed deletion decision.
- Concurrent with this National Notice of Intent to Delete, a local notice has been published in local newspapers and has been distributed to the appropriate Federal, State, and local officials, and other interested parties. This local notice announces a 30-day public comment period, provides an address and telephone number for submission of comments, and identifies the location of the local repository.
- Region 5 has made all relevant documents available in the Regional

Office and the local site information repository.

The comments received during the notice and comment period will be evaluated before a final decision is made. The Region will prepare a Responsiveness Summary, if necessary, which will address the significant comments received during the public comment period.

The site will be deleted if the U.S. EPA Regional Administrator places a notice in the **Federal Register**. Any deletions from the NPL will be reflected in the next NPL rule. Public notices and copies of any Responsiveness Summary will be made available to the local residents by Region 5.

#### **IV. Basis for Intended Site Deletion**

The Anderson Development Company (ADC) Superfund Site (Site) consists of a pretreatment lagoon and adjacent areas. The lagoon was used in the treatment of wastewater from production of 4,4'-Methylene bis (2-chloroaniline) (MBOCA) and had most of the contamination. MBOCA, a semi-volatile organic compound, was identified as a contaminant of concern in 1979 in sludges and soils at ADC, and in soils in the surrounding community. Initial remedial measures by the state and local public agencies addressed most areas with MBOCA contamination during 1980 and 1981. The main area not addressed in 1980-1981 was the pretreatment lagoon.

ADC completed a Remedial Investigation for the site in September 1989, and a Feasibility Study in February 1990, with evaluations focusing on contaminated soils and sludges in or adjacent to the pretreatment lagoon. Sampling in other areas both on the ADC property and in the surrounding community did not show evidence that residual levels of concern for MBOCA remained outside of the Site. Sample analysis of ground water and surface water indicated that they had not been impacted with MBOCA or other volatiles, semi-volatiles or inorganics from the lagoon at levels warranting remediation.

U.S. EPA signed a Record of Decision (ROD) on September 28, 1990. The ROD was the object of considerable comment regarding U.S. EPA's preferred alternative, in-situ vitrification (ISV) of contaminated soils and sludges. The concerns focused on financial impacts to ADC, uncertainties regarding the effectiveness of ISV, and concerns regarding the safety of ISV. The community indicated that it supported treatment of soils/sludges by low temperature thermal desorption as described in the ROD Amendment

issued in September 1991, but still did not support ISV as a contingent remedy if low temperature thermal desorption was not an effective treatment process at this site.

On September 30, 1991 U.S. EPA signed a ROD Amendment which required the following remedial actions: excavation and staging of contaminated soil, sludge and clay with contamination above the cleanup action levels; conducting a full-scale treatability study to demonstrate the effectiveness of low temperature thermal desorption; processing contaminated soil, sludge and clay in a low temperature thermal desorption device; placing treated materials back in the lagoon and covering with clean fill; in-situ vitrification of contaminated soil, sludge and clay if low temperature thermal desorption was found to not be effective in achieving the cleanup standards; air monitoring during the remedial action; and ground water monitoring following the remedial action for a period of 2 years to assess and confirm the efficacy of low temperature thermal desorption. The State of Michigan concurred with the remedy in the ROD Amendment.

ADC began treating contaminated soils and sludges on January 5, 1992 by low temperature thermal desorption. After this treatment, the soils and sludges met Michigan Act 307 cleanup standards for volatiles and semi-volatile compounds. Treated materials or other soils still exceeding Michigan Act 307 cleanup standards for inorganics were removed for disposal at a landfill determined to be adequately protective.

U.S. EPA issued an Explanation of Significant Differences (ESD) on October 2, 1992 which identified three significant differences from the remedial action selected in the September 30, 1991 ROD. The first significant difference was that treated materials would be disposed of off-site in a Subtitle D landfill, rather than placement of treated materials back into the lagoon and covering them. This decision was made after a focused Risk Assessment identified that manganese presented a human health risk and low temperature thermal desorption of sludges/soils would not reduce concentrations of manganese. The second significant difference was an increase in volume estimates of materials to be remediated from 3,000 cubic yards to 8,000 cubic yards. The third significant difference was an increase in estimated costs from \$1.1 million to \$6.0 million due to (1) volume increases, (2) increased analytical costs, (3) high soil moistures, and (4) off-site disposal.

On May 9, 1994 U.S. EPA accepted and approved ADC's Final Remedial Action Report for ADC's completion of all site cleanup activities.

Community relations activities for the Site included public meetings, public availability sessions, as well as routine publication of progress fact sheets.

All the completion requirements for this site have been met as specified in OSWER Directive 9320.2-3A. Confirmatory sampling has verified that the September 1990 Record of Decision, and the September 1991 ROD Amendment cleanup objectives have been achieved, and all cleanup objectives specified in the ROD and ROD Amendment have been implemented at the Site.

U.S. EPA, with concurrence of the State of Michigan, has determined that all appropriate responses under CERCLA at the Anderson Development Company Superfund Site have been completed, and that no further cleanup of this Site by responsible parties is necessary. Therefore, U.S. EPA proposes to delete the Site from the NPL.

Dated: August 9, 1995.

**Valdas V. Adamkus,**

*Regional Administrator, U.S. EPA, Region V.*  
[FR Doc. 95-21410 Filed 8-29-95; 8:45 am]

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#### 40 CFR Part 721

[OPPTS-50617; FRL-4762-4]

RIN 2070-AC37

#### **Benzidine-Based Chemical Substances; Proposed Significant New Uses of Certain Chemical Substances**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) which would require persons to notify EPA at least 90 days before commencing the manufacture, import, or processing of benzidine-based chemical substances, defined herein, for any use other than those listed in the regulatory text of this proposed rule. EPA believes that this action is necessary because benzidine-based chemical substances may be hazardous to human health and that the uses governed by this proposed rule may result in significant human exposure. The required notice would provide EPA with the opportunity to evaluate the intended new use and associated activities, before the

benzidine-based chemical substances can be introduced into the marketplace, and an opportunity to protect against potentially adverse exposure before it can occur.

**DATES:** Written comments, in triplicate, must be received by September 29, 1995.

**ADDRESSES:** All comments must be sent in triplicate to: TSCA Document Receipt Office (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-G99, 401 M St., SW, Washington, DC 20460. Comments that contain information claimed as confidential must be clearly marked confidential business information (CBI). If CBI is claimed, three additional sanitized copies must also be submitted. Nonconfidential versions of comments on this proposed rule will be placed in the rulemaking record and will be available for public inspection. Comments should include the docket control number. The docket control number for this proposed SNUR is OPPTS-50617. Unit XI. of this preamble contains additional information on submitting comments containing CBI.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: [ncic@epamail.epa.gov](mailto:ncic@epamail.epa.gov). Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number OPPTS-50617. No CBI should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit XII. of this preamble.

The discussion of EPA's risk management strategy in Unit V. of this proposed rule is included only to provide context for this SNUR, and comments are not solicited for this unit.

#### **FOR FURTHER INFORMATION CONTACT:**

Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Rm. E-545, Washington, DC 20460, Telephone: (202) 554-1404, TDD: (202) 554-0551, e-mail: [TSCA-Hotline@epamail.epa.gov](mailto:TSCA-Hotline@epamail.epa.gov).

**SUPPLEMENTARY INFORMATION:** The final version of this proposed SNUR would require persons to notify EPA at least 90 days before commencing the